IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1229 OF 2007

Shri Pandhari Babu Mhatre ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.B.R.Patil, Adv. for the Applicant.
Mr.K.V.Saste, APP, for the State.
Mr.R.D.Suryawanshi, Adv. for Orig.Complainant.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 18th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.I-122 of 2006 of Vitthalwadi Police Station. The said case is under Section 302 of IPC.

3. The learned Advocate for the applicant has pointed out that the application of bail of the present applicant came to be rejected only on account of the statement made by the learned

Advocate appearing for the applicant at that time before the Sessions Court that his bail application may be rejected. He has further submitted that the learned Sessions Judge has not rejected the said application for bail on merits, but, only on account of the said statement.

4. On perusal of the order of the learned Sessions Judge this statement appears to be correct. In this view of the matter, I am inclined to grant liberty to the applicant to prefer a fresh application for bail before the concerned Sessions Court. The Sessions Court shall hear the same afresh and decide it on merits without being influenced by the order dated 27.4.2006.

5. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)